

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

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HONORABLE FERNANDO M. OLGUIN, DISTRICT JUDGE PRESIDING

UNITED STATES OF AMERICA,)
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Plaintiffs,)
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vs.) No. CR 23-00149-FMO
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)
)
DAEKUN CHO,)
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Defendants.)
)
_____)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

BAIL REVIEW HEARING

LOS ANGELES, CALIFORNIA

THURSDAY, AUGUST 3, 2023

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OFFICIAL COURT REPORTER
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BAIL REVIEW HEARING:

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1 LOS ANGELES, CALIFORNIA; THURSDAY, AUGUST 3, 2023

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3 (COURT IN SESSION AT 11:02 A.M.)

4 THE COURTROOM DEPUTY: Calling item number
5 three, CR 23-00149-FMO: *United States of America v.*
6 *Cho.*

7 MR. BUTLER: Good morning, Your Honor.
8 Kevin Butler and Jena McCabe on behalf of
9 the United States. And also present in the courtroom
10 are two of the victims who intend to assert their right
11 to be heard today.

12 THE COURT: Okay.

13 MR. SOLIS: Good morning, Your Honor.
14 Anthony Solis on behalf of Mr. Cho. He's present, in
15 custody.

16 THE COURT: Okay. So why don't we -- why don't
17 we get started here. We're here on a bail review.
18 Mr. Solis, go ahead.

19 MR. SOLIS: Sure. This is a review of
20 Judge Wilner's order of detention. And my understanding
21 is it's a de novo review by this court. And I've
22 reviewed the presentence -- or rather the pre --
23 Pretrial Services' report in this matter. And in that
24 report, it indicates that there are some flight risk
25 issues, but I would argue that those flight risk issues

1 are not significant enough to make Mr. Cho an actual
2 flight risk. He has almost no criminal history. There
3 is an entry of some L.A. municipal code infraction and a
4 drug possession DEJ dismissal diversion. It doesn't
5 appear that he's got any other criminal history. There
6 was in the Judge Wilner hearing some allegation that he
7 was -- he was on -- had a warrant for some DUI case out
8 of Torrance, and we determined through the evidence of a
9 docket sheet in the superior court that that was
10 actually not him. And in this current report, it
11 indicates he doesn't have any warrants on file at all
12 for any -- any matter. He does have some arrests, but I
13 understand and would hope that this Court wouldn't
14 consider cases that were never brought, cases that were
15 dismissed, evidence such as arrests that were never
16 charged. And so in that case, he really has no
17 significant criminal history of any kind. The Pretrial
18 Services' report also indicates that there is some kind
19 of occasional marijuana use that also constitutes some
20 flight risk. I discount that almost entirely. Numerous
21 people smoke marijuana in Southern California. It
22 doesn't make them any kind of a flight risk, and even
23 the report itself remarks that the marijuana use was
24 occasional. It wasn't something that he couldn't abate
25 if he wanted to or was ordered to as a condition of

1 release. He doesn't appear to have any drug problems
2 that would make him enable -- or unable to appear in
3 court and follow the Court's orders.

4 Also, on flight risk he has significant
5 sureties. He's got an aunt and uncle with whom he could
6 live, and the proposal from the Defense to Judge Wilner
7 was that he be on home detention, living in the home of
8 the aunt and uncle. And their residence is the home
9 that would be used to secure his -- his bond. He
10 doesn't seem to have any mental health issues. He has
11 no passports. They've all been seized by the
12 Government, and they're in the -- their possession. He
13 also had no international travel since he's been here,
14 and he's a permanent legal resident. So I think on the
15 flight risk issue, there really is no real issue with
16 regard to his being a flight risk, other than the
17 obvious or normal consideration that he's charged with a
18 crime, he could go to prison, but every single case has
19 that -- almost every single case in federal court has
20 that potential consequence.

21 With regard to danger, I can see that the
22 concerns are more sensitive, particularly because number
23 one, we have victims in the courtroom. I'm sure they're
24 going to say as they've said in the pleading that the
25 Government has filed in advance of this hearing that

1 they're in fear of the defendant, and if he is released,
2 their fear will somehow be exacerbated.

3 There was an initial allegation in the pleading
4 that the Government submitted in advance of the hearing
5 before Judge Wilner where the Government indicated there
6 was also some firearms found in the defendant's
7 possession at the time of his arrest. And what I would
8 say about that is there is no allegation in either the
9 offense or in the apprehension arrest of Mr. Cho that
10 those allegations -- those firearms were used in any
11 way. There was no allegation that he armed himself. I
12 think the Government is a bit histrionic when they call
13 a 5-minute delay -- a 5- to 10-minute delay of him
14 coming out of his residence, a standoff. I think that's
15 a bit of an exaggeration, but even to the extent that he
16 didn't immediately comply with law enforcement orders,
17 to the extent that he would have been a real danger to
18 the community, one would have expected that he would
19 have armed himself in some way if he had guns in his
20 possession. He didn't do anything like that. He didn't
21 arm himself with an -- one of the firearms. He didn't
22 arm himself with a bat, nothing like that. There's no
23 allegations that he was prohibited from using or owning
24 guns. He has no prior felonies. He's not a -- he has
25 no mental health issues. He has no domestic violence

1 history. So there's no reason why he couldn't lawfully
2 possess a firearm.

3 And as far as the standoff is concerned or the
4 delay in apprehending him when he went to be arrested,
5 my understanding is that was an early morning arrest. I
6 think it's very jarring to be -- you know, announce
7 that, you know -- to come out of your -- come out of
8 your residence when you've just been woken up out of
9 your sleep and you didn't -- really don't know what's
10 going on. So I think a few minutes to understand what's
11 going on and to understand that maybe they are really
12 police and they really -- you really should do that, I
13 don't think there was any kind of resistance or standoff
14 like -- like the Government says. So I think in sum,
15 really what we're talking about in this case is the
16 allegations in the indictment as the source of what
17 would be the danger.

18 It's difficult, obviously, to try the case at
19 this particular hearing. And I'm not going to try to do
20 that, but I would argue that with an individual with
21 Mr. Cho's history, the risk of both, flight and danger,
22 can be mitigated by having him stay on home detention
23 with an electronic monitor, living with two responsible
24 sureties who are his aunt and uncle, and they have
25 agreed to put all, if not nearly all of the equity in

1 their residence -- the one they live in and they've
2 lived in for some time and to secure his bond. He has
3 no passports. He has no significant assets to flee
4 with. And I think considering all of those
5 circumstances, certainly the Court can fashion a bond
6 that would both protect the community and eliminate or
7 reduce the risk of flight with regard to this particular
8 defendant. I'm going to submit on that for now.

9 THE COURT: Okay. Thank you.

10 MR. BUTLER: The Government would agree with
11 Defense that the magistrate court did not find flight --

12 THE COURT: There is no magistrate court,
13 Counsel.

14 MR. BUTLER: The magistrate judge,
15 Your Honor --

16 THE COURT: Okay.

17 MR. BUTLER: -- did not rely on flight here.
18 And the Government would agree that that is secondary to
19 the danger to the community, which the Government
20 briefed at length; however, there is some risk, given
21 his citizenship, given -- although, he is an LPR, I
22 think he's in removal proceedings and has citizenship
23 and ties to Korea, as well as relatives that he's in
24 contact with there; however, the Government mainly
25 relies on the danger to the community.

1 As we put forth in our briefing, for years the
2 defendant has executed a pattern of violence, of fear,
3 of intimidation, to control and extort victims in the
4 Koreatown karaoke community. He charged monthly fees;
5 he controlled their behaviors; violently attacked and
6 threatened and assaulted multiple victims. The nature
7 of these crimes and the danger to the community created
8 by those crimes are horrendous. We put forth in our
9 briefing, he hunted these victims down. He brought
10 accomplices with him. He brought weapons with him. He
11 asked for their locations to other coworkers. And then
12 when he found them, he either beat them with a baseball
13 bat as is seen on video, punched them, threatened to
14 kill them, and then assaulted others and used those same
15 assaults as -- broadcast them to intimidate others. He
16 literally bragged about socking people, about finding
17 people and making sure that they were going to the
18 places he was allowing them or not going to the places
19 he wasn't.

20 Since the defendant has been incarcerated, the
21 victim list has only grown. There are several victims
22 that we put forth that have come to law enforcement now
23 that they feel safe enough to actually speak to law
24 enforcement. And the nature and the characteristics of
25 the defendant's -- defendant show that he is not

1 amenable to supervision. Although, the criminal history
2 is certainly minimal, he was under a diversion sentence
3 while committing these crimes. He was arrested with
4 weaponry after somewhat of a standoff.

5 THE COURT: What's a diversion sentence?

6 MR. BUTLER: My understanding is that he was
7 sentenced to diversion, and as long as he completed
8 diversion, those cases -- those state cases would be
9 diverted, meaning there would be no convictions
10 whatsoever. I think the charges were attempt to
11 deconstruct evidence and carrying a loaded firearm. I
12 believe that at this point, those are on track to being
13 diverted, such that they will not exist, but I do think
14 it is relevant to the idea that he's amenable to
15 supervision in this case.

16 And, again, to the -- to the flight issue
17 during the standoff, it did appear that he was trying to
18 look at multiple windows to escape from law enforcement.
19 And in the second window that he looked out, in that
20 room was a firearm that was loaded and the safety was
21 disengaged. He also attempted to evade law enforcement
22 detection, both by intimidating the victims. We
23 submitted dash cam footage of him asking people if
24 they'd called the cops. And during a controlled
25 extortion payment, he noticed that a -- that a vehicle

1 he suspected to be law enforcement that, in fact, was
2 law enforcement was there, and had the victim then pay
3 intermediary the extortion fee so that he could evade
4 law enforcement.

5 There was also a Motorola phone that was hidden
6 in the bathroom. Law enforcement has since been able to
7 access that phone. And in that phone are the most
8 damning inculpatory text messages, confirming the
9 assaults, confirming the extortions, confirming the
10 threats to kill and that the number he was using that
11 everyone associated with him, was associated with that
12 Motorola phone.

13 And finally, to the weight of the evidence
14 which I've just sort of gone through: A lot of this is
15 corroborated, not only by the victims themselves but by
16 cell site data, by videos of the attacks or dash cam
17 footage of the attacks or literally text messages from
18 the defendant himself bragging about finding someone,
19 about socking them, threats to kill people. And since
20 the arrest, there's, again, additional allegations of
21 firearm use which is something Defense counsel just
22 addressed. At least one victim has said that in 2020,
23 he pointed a firearm at a karaoke's worker's head, and
24 there are additional extortion victims coming forth, as
25 well.

1 I think that all of this evidence is
2 corroborative of each other. We put it in the briefing,
3 including the mask, the bats, and the cell site data,
4 such that the weight of the evidence corroborates not
5 only the history and characteristics of the defendant
6 but the nature of the crime and the danger represented
7 to the community itself. With that, the Government
8 would submit, unless the Court has questions and allow
9 the victims to speak.

10 THE COURT: One question: What -- so let's
11 assume that for purposes of this, that you've made the
12 showing that he's a danger to the community. You know,
13 that's -- that's just the first step; right? That the
14 next step is, are there conditions that can be fashioned
15 to deal with that finding? Explain to me why there are
16 no conditions; why the conditions that Defense counsel
17 set forth can't be imposed to deal with those -- with
18 the issue of danger to the community.

19 MR. BUTLER: Yes, Your Honor. I think to the
20 surety, the Government as always, has the support of
21 relatives and community members. And I think the
22 problem upfront is that he presumably had that support
23 over the last five years as he's committing these series
24 of crimes. The other issue I think is that he was not
25 only a legal permanent resident who was fighting

1 deportation and fighting some charges that would make
2 him removable, but he committed these crimes anyway and
3 then the diversion sentence. So supervision here
4 wouldn't have the same immense benefit that a diversion
5 sentence does where your crimes are completely erased
6 from your record. Even though he was under those
7 diversionary sentences with great benefit if he was to
8 stay a law-abiding citizen and complete the diversion
9 process, he still chose to commit these crimes. I think
10 the most troubling is the nature of the crime itself,
11 the surreptitious extortion and attacks and intimidation
12 put on these victims that anything that he was doing,
13 was targeted at people who wouldn't want to go to the
14 police or would be intimidated to go to the police. So
15 any sort of violations that would occur are in line with
16 his scheme that he has been doing for several years now
17 to disincentivize any sort of law enforcement knowledge
18 of what he's doing. So I think the idea that he would
19 comply with the conditions is undermined by his conduct
20 over the last 3 to 5 years.

21 THE COURT: Okay, okay.

22 MR. BUTLER: Thank you, Your Honor.

23 MR. SOLIS: May I be heard, Your Honor?

24 THE COURT: Yes. And then we can have the
25 victims speak when he's done.

1 MR. BUTLER: Thank you.

2 MR. SOLIS: First of all, there's a qualitative
3 difference between diversion and the type of supervision
4 that Pretrial Services would be engaging here. And I
5 don't want to assume that the Court is aware, but since
6 I also practice in state court, I could just offer on
7 information and belief. Diversion is you either plead
8 or don't plead and then go out and keep yourself clean,
9 and if we find out about something, we find out; and if
10 we don't, we don't. Pretrial Services would be -- at
11 least, in the hearing before Judge Wilner, the defendant
12 I -- and I -- we're sensitive to the fact that the
13 nature of the charges and the nature of the fact that
14 witnesses are feeling intimidated, we actually offered
15 the most -- the strongest terms that would satisfy the
16 Government's concerns, and that is home detention. He
17 can't go anywhere and electronic monitor. If he did go
18 anywhere, we would know about it right away. If he did
19 anything -- his aunt and uncle, who are really the -- if
20 not the only -- at least, the most significant relatives
21 he has in this country would lose their residence. And
22 they've agreed to have him come in their home -- and not
23 only offer their home as security but also, you know,
24 monitor him in their home because he would be there all
25 the time. So the fact that he had a diversion where no

1 one is supervising and there is no supervision, I think
2 that's kind of an inapposite consideration, whereas
3 here, we not only have the security of the sureties that
4 could lose their home, the relatives that are very
5 close -- they are the closest relatives that he has in
6 this country. He has -- they're here in the audience
7 today. They've been for every court hearing. So to say
8 that somehow he couldn't -- he didn't conform his
9 behavior when he was under that type of supervision,
10 which was no supervision at all as opposed to the type
11 of supervision which is arguably the most restrictive
12 conditions that this Court could impose, I suppose there
13 could be more -- I just haven't -- my imagination
14 doesn't go that far to think of what more could be done,
15 other than maybe to restrict him from any cell phone use
16 or any kind of computer use so he wouldn't have any way
17 to contact any third party to communicate anything with
18 the victims; but while I appreciate the Government's
19 concerns, I think the Court is correct to say yes, the
20 allegations present a concern for both, the community
21 and the -- and, in general and the victims, in
22 particular, that does not mean that there can't be some
23 kind of conditions that can be fashioned that could
24 alleviate both concerns. And I also agree with the
25 Government that the flight risk concerns are really

1 secondary by a long shot to the -- to the danger. And
2 that's why when we initially proposed the restrictions,
3 they were among the most restrictive I think the Court
4 could offer and still release the defendant.

5 THE COURT: Okay. Is the Pretrial Services
6 officer here?

7 THE PRETRIAL OFFICER: Good morning,
8 Your Honor. Yuwall Hedoff with Probation and Pretrial
9 Services.

10 THE COURT: So I want you to address the same
11 question about conditions: Is it your view that none of
12 the proposed conditions, if they were imposed: The home
13 detention, the monitoring, even taking away the phone,
14 that none of those conditions can deal with the issue of
15 danger?

16 THE PRETRIAL OFFICER: Yes, Your Honor.

17 THE COURT: It is your view? How come?

18 THE PRETRIAL OFFICER: The conditions don't --
19 they're not confinement. We're not a prison system. If
20 the defendant chooses --

21 THE COURT: Well, that's obvious. But why are
22 the conditions insufficient?

23 THE PRETRIAL OFFICER: Well, if the defendant
24 chooses to violate those conditions, then there's
25 nothing --

1 THE COURT: Then that would apply in every
2 single bail hearing. You have to explain to me why the
3 conditions are not sufficient to deal with the danger to
4 the community. If he chooses to violate, well, then
5 nobody gets bail in the federal system if that's your
6 approach. Go on. Now answer the question.

7 THE PRETRIAL OFFICER: Well, I believe that
8 given the arguments presented by the Government and
9 the -- this particular case, the defendant poses a very
10 significant danger to the community, and the conditions
11 being imposed particularly are not ones that that can
12 prevent the defendant from continuing to behave in that
13 kind of circumstance. They don't prevent the defendant
14 if he so chooses to continue engaging in illegal
15 behavior.

16 THE COURT: Okay. Thank you. Mr. Butler,
17 address the specific conditions because he, obviously,
18 didn't do it. I need an explanation as to why the
19 conditions are not sufficient; right? I'm going with
20 you that there's danger. You've established danger. So
21 now tell me why the conditions won't work. And the
22 argument that because he may choose to violate, that
23 applies to every defendant. So that's a useless
24 argument. Don't make that argument. So tell me -- go
25 through each condition and tell me why it's

1 insufficient.

2 MR. BUTLER: I think all of them, Your Honor,
3 from a broad strokes perspective rely on his good faith
4 compliance in this. Your Honor just mentioned --

5 THE COURT: That's true for every defendant.

6 MR. BUTLER: Agreed, Your Honor.

7 THE COURT: And he has no criminal record. And
8 everything that's in the record suggests that there
9 would be good faith compliance; right? Because of
10 the -- has virtually no criminal record, but go ahead.
11 He did violate diversion. So I think that's pretty
12 significant and that's -- that really troubles me that
13 he -- and irrespective of -- Mr. Solis, of whether there
14 was any supervision or not, the fact that he was in
15 diversion and committed this while on diversion, that's
16 really troubling to me. But go ahead.

17 MR. SOLIS: And, Your Honor, I'd like to
18 address that.

19 THE COURT: You will. And I'll let you.

20 Go ahead.

21 MR. BUTLER: Understood, Your Honor. What I
22 will say is that this defendant's crimes, in particular,
23 that are alleged here, by their very nature are
24 extortion, intimidation, that tried to evade law
25 enforcement, awareness -- so his lack of a criminal

1 history could be the result of his success of these
2 crimes to address the conditions themselves -- and
3 you're correct that all of them always rely on good
4 faith compliance of the defendant, but just to take one,
5 for example, the Court mentioned taking away his
6 phone -- not allowing any phone access. When the
7 defendant was arrested, he had multiple phones. He had
8 one that was clearly used only for criminal activity.
9 He hid that phone in a surreptitious location during
10 this five- to ten-minute standoff. That's the exact
11 type of behavior that would be outside the scope of what
12 Pretrial Services would be aware of if they say you
13 can't have a phone, but he's got a surreptitious phone
14 that he's willing to hide as he is here. There's
15 nothing they could do to figure that out or to do
16 anything about it. I think it's also troubling that in
17 at least one of these instances, he brought an
18 accomplice with him to the actual assault, instructed
19 him about what to do there. Pretrial Services wouldn't
20 be able to ensure that he's not directing others or even
21 discussing things with victims to ensure that others
22 aren't testifying, that more victims aren't coming out
23 as they have after his incarceration or testifying
24 against him, and could even use this accomplice or
25 others -- again, even victims who fear him, to continue

1 the exact same extortion and intimidation scheme that
2 he's been perpetuating for years. And I think we put,
3 you know, several cases in our briefing that talk about
4 prohibiting the defendant from committing a crime of
5 intimidating a witness, doesn't impede the ability to do
6 so, which is exactly sort of what he's done all along.
7 And, again, these are often victims who are long native
8 English speakers, noncitizens who may be more easily
9 intimidated or persuaded not to go to law enforcement,
10 which only furthers the Government's fear of what he
11 could do underneath pretrial supervision, regardless of
12 what conditions are set forth. If there's more specific
13 questions, I'm happy to answer them, Your Honor.

14 THE COURT: No, that's good. Thank you.

15 MR. BUTLER: Thank you.

16 THE COURT: Mr. Solis?

17 MR. SOLIS: This type of issue comes up a lot
18 in bail hearings where we get a pretrial services report
19 of -- yeah, a pretrial services report, and the report
20 will say things like, he's got, you know, 20 written
21 failures to appear. He didn't have all these traffic
22 tickets. He has all these failures to appear. He
23 bench-warranted in this case. He -- he, you know, did
24 this -- and so he's got -- he's a flight risk because he
25 failed to appear in all these other cases. And then

1 when you look closer, you find that he got pulled over
2 by an officer, and he signed a piece of paper and drove
3 away. And he failed to appear. So yes, he technically
4 failed to appear on his written promise to appear.

5 Maybe he even bench-warranted in something where there
6 was a \$20,000 bond, and it got -- it got -- you know, he
7 lost the money or something like that. Those types of
8 things that happen -- and I will include a diversion
9 where -- it's a Court order -- and I don't make light of
10 any judge's Court order to say, obey the law. Here's
11 the conditions. Now go do it. That is just
12 qualitatively different from the way that we do things
13 here in federal court. There isn't just a, you promise
14 to obey, and then your reward at the end is this and
15 then just go. There's no supervision. There's no
16 monitoring. There's no backstop of any kind. There's
17 not even a bond in most cases where you get diversion.

18 In this court, it's a whole series of different types of
19 monitoring. It is -- the first line is a pretrial
20 services officer with who he's got to check in. There
21 is an electronic monitor that he would have to wear.
22 And I've had clients that have not violated the -- the
23 electronic monitor condition and still gotten called to
24 court, because they came too close to the airport or
25 they came too close to the bus station. And the

1 things rang off. They had a computer that had something
2 that might be in violation. And all of those things are
3 things that we do in this court that are qualitatively
4 different than just merely a promise to obey the law and
5 you'll get a reward at the end. Punishments for
6 violating any of the conditions that the Defense is
7 suggesting are severe. They're not just you'll -- okay.
8 So you violated. You used marijuana. You called
9 someone that you shouldn't. You had something you
10 shouldn't have, and so we're going to remand you.
11 That's not true. The people he is closest to will lose
12 their home. That is a significant immediate punishment,
13 and not just the loss of some benefit at the end of the
14 road. That is an immediate real thing, and not just for
15 things like you've absconded and maybe a month later, we
16 pick you up. As the Court is aware, the sureties could
17 lose their security for almost any infraction of the
18 bail terms. And that means allow -- you know, if he
19 does on his own, having nothing to do with them. And,
20 of course, if they were to somehow be a participant,
21 that would be a new crime on their part, and these
22 people have a no criminal history. The defendant's
23 uncle is a small business owner that makes a modest
24 amount of revenue and an even smaller amount of profit.
25 My guess is that he's a hardworking person that worked

1 very hard for the things that he has. He's put his
2 faith in his nephew, at the very least just to obey the
3 terms of his bond. And he's come here three times and
4 he's pledged both of his properties. One is a rental
5 property and one is a -- a -- his residence. So I don't
6 think that they -- the aunt and uncle who are here in
7 the Court today take those obligations lightly. And all
8 of those together, any of the things that we can do,
9 restrictions, monitoring, supervision, those are things
10 that pretrial services is -- is very well adept at
11 doing. And they're -- and as far as my clients are
12 concerned, they're very keen on reporting if there's
13 even a suggestion of violation. And those things, in
14 combination, are just qualitatively different than any
15 diversion agreement or any like situation where you
16 don't have the types of monitoring you do. And in state
17 court, a lot of the failures to appear, written
18 promises, those are things that just don't have the
19 supervision mechanism. They need to wait until the
20 person commits another crime or violates in some
21 spectacular way to come back into contact with the
22 criminal justice system and then they violate. And, of
23 course, I'm not making light of that. I have multiple
24 people in diversion, and I hope they do well, but it is
25 just different than when you're closely supervised. And

1 even in this court, we have differences in supervision.
2 There is pretrial supervision and intensive pretrial
3 supervision for defendants who may be a higher risk.
4 And I think those are sufficient, and they're
5 qualitatively different than the situations that the
6 Government has raised.

7 THE COURT: Okay. If we can have the victims
8 speak. Do you want to have one at a time come up, and
9 then we can have them -- so they can speak at the podium
10 or at the witness chair. The interpreter -- I assume
11 you brought an interpreter.

12 MR. BUTLER: Yes, Your Honor.

13 THE COURT: A court-certified interpreter.

14 MR. BUTLER: Yes, Your Honor.

15 THE COURT: Okay. And the -- why don't we have
16 them come up to the witness chair. That will be easier
17 for the interpreter to be on the side and they can
18 interpret it. It will be easier.

19 MR. BUTLER: Yes, Your Honor.

20 Your Honor, so the Court is clear, I don't
21 think that this witness needs the interpreter, but the
22 next one does.

23 THE COURT: Oh, the next one does, okay.

24 THE COURTROOM DEPUTY: Please state your name
25 and spell it for the record.

1 THE WITNESS: Spell it? My name is Yun Soo
2 Shin, Y-U-N. S-O-O. S-H-I-N.

3 THE COURT: Okay. Go ahead, Mr. Butler.

4 MR. BUTLER: Can you just talk about your
5 experience with the defendant and your position on his
6 being released on pretrial supervision today.

7 A Okay. So I was threatened by him for a lot --
8 multiple times.

9 THE COURT: Put the speaker closer to you. You
10 can move.

11 MR. SHIN: So I was threatened by him for --
12 multiple times, and I was actually attacked by him like
13 two years ago. And yet, I'm still scared that same
14 thing is going to happen if he bails out. And yeah, it
15 makes me nervous a lot. So....

16 THE COURT: Okay.

17 MR. BUTLER: I just wanted to provide you the
18 avenue to be heard rather than a direct examination, but
19 if there's anything else you want to say about how this
20 experience has affected you, please do so.

21 MR. SHIN: So back then when I -- when we're
22 trying to report all this incident to LAPD, I asked a
23 lot of my -- like, the people that was a victim -- and
24 the first thing they said was they don't want to report
25 with me, because they know that he's going to get away

1 again. So they were scared that if he gets out again,
2 then they're going to be attacked or, you know, they're
3 going to be threatened again.

4 THE COURT: You say "they," who are you talking
5 about?

6 MR. SHIN: Oh, I'm talking about other victims,
7 yeah.

8 MR. SOLIS: I'm going to object as hearsay as
9 to what other people told him.

10 THE WITNESS: The other victims that's getting
11 extortion and threatened by him.

12 MR. SOLIS: And I'm going to object as to
13 hearsay and foundation.

14 THE COURT: And it's noted for the record, but
15 it's just me here. So it's fine.

16 MR. SOLIS: Thank you, Your Honor.

17 THE COURT: Go ahead.

18 MR. SHIN: And still after the attack, I'm
19 still like scared. Like, when there's a person running
20 like next to me, I'm still scared. And I think I'll be
21 more scared if he gets bailed out. Then I don't think
22 I'm going to be able to sleep at night.

23 THE COURT: Okay. Okay. Thank you.

24 MR. BUTLER: Thank you.

25 THE COURT: Did you want to ask any questions?

1 MR. SOLIS: No, thank you, Your Honor.

2 THE COURT: Okay. Thank you.

3 We'll bring up the next person.

4 THE COURTROOM DEPUTY: If you can state your
5 name and spell it.

6 MR. LE: J-O-O-H-U-N and last name is Le, L-E.

7 THE COURT: Okay. Mr. Butler, do you want to
8 get him started?

9 MR. BUTLER: Yes. Can you just tell us your
10 experience with the defendant? What it's done to you,
11 how it's affected you, and what your opinion is on his
12 release today.

13 MR. LE: Right now I'm living out of state. I
14 am not in right now California since the incident. I'm
15 in another state. I'm running a small business, trying
16 to earn a living, and with my 12-year-old daughter and
17 my wife, we're all experiencing extreme suffering. And
18 I have clients coming to see me, but I feel a sense of
19 terror and fear. And at night, my family, like on the
20 daily, we experience a lot of dread and fear.

21 MR. BUTLER: Can you just tell us why you left
22 California.

23 Mr. LE: So Yoon Soo, who is sitting over there
24 since the attack, afterwards, as far as my text -- or
25 through text, VIN number, and my address and all of

1 that, sent me texts saying, "I know you have a
2 12-year-old daughter and wife. I know your VIN number.
3 I know your home address. And so I -- because of this,
4 these texts to me, I just cannot see a way of living in
5 this state.

6 MR. BUTLER: Thank you. And thank you for
7 being here. This is your opportunity. I don't have
8 anything else. This is your opportunity. I have
9 nothing else, but if you want to say anything else, this
10 is your time.

11 MR. LE: I truly on a daily basis am suffering
12 a lot. I even am experiencing panic disorder, which I
13 heretofore, did not have. And if he is bailed out, my
14 whole family, I feel like will -- things will become
15 even more difficult for us. And so now, like, what
16 we're doing at this time, we may have to stop that and
17 move to another state, and I am just pretty much filled
18 with dread.

19 MR. BUTLER: Thank you.

20 MR. SOLIS: No questions. Thank you,
21 Your Honor.

22 THE COURT: The witness is excused. Okay.
23 Unless counsel have anything further, I'm going to take
24 the matter under submission at this point. Anything
25 else?

1 MR. BUTLER: No, Your Honor, I think the
2 Government put in our papers that if the Court were to
3 consider bail due to the dangerousness of the defendant,
4 we would ask that either a stay be granted, pending the
5 appeal or that the -- or that the defendant be ordered
6 continuing detained, pending the Government appeal.

7 THE COURT: Okay. Anything else?

8 MR. SOLIS: Not on behalf of the defendant. We
9 object to the stay.

10 THE COURT: Okay. Okay. The matter is taken
11 under submission.

12 MR. BUTLER: Thank you, Your Honor.

13 (Whereupon, proceeding adjourned.)

14 - - -

C E R T I F I C A T E

UNITED STATES OF AMERICA :
vs. : No. CR 23-00149-FMO
DAEKUN CHO :

I, MARIA BUSTILLOS, OFFICIAL COURT REPORTER, IN AND FOR THE
UNITED STATES DISTRICT COURT FOR THE CENTRAL DISTRICT OF
CALIFORNIA, DO HEREBY CERTIFY THAT PURSUANT TO SECTION 753,
TITLE 28, UNITED STATES CODE, THE FOREGOING IS A TRUE AND
CORRECT TRANSCRIPT OF THE STENOGRAPHICALLY REPORTED
PROCEEDINGS HELD IN THE ABOVE-ENTITLED MATTER AND THAT THE
TRANSCRIPT PAGE FORMAT IS IN CONFORMANCE WITH THE REGULATIONS
OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.
FEES CHARGED FOR THIS TRANSCRIPT, LESS ANY CIRCUIT FEE
REDUCTION AND/OR DEPOSIT, ARE IN CONFORMANCE WITH THE
REGULATIONS OF THE JUDICIAL CONFERENCE OF THE UNITED STATES.

_____/s/_____
MARIA R. BUSTILLOS
OFFICIAL REPORTER

DATE

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